

FIRST REGULAR SESSION

SENATE BILL NO. 33

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY, GREEN, KENNEDY AND DAYS.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0538S.011

AN ACT

To amend chapter 285, RSMo, by adding thereto six new sections relating to health care payroll assessments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto six new sections, to be known as sections 285.400, 285.403, 285.406, 285.409, 285.412, and 285.415, to read as follows:

285.400. 1. As used in sections 285.400 to 285.415, the following terms shall mean:

(1) "Director", the director of the department of labor and industrial relations;

(2) "Employee", all individuals employed full-time or part-time directly by an employer;

(3) "Employer", the same meaning as such term is defined in section 287.030, RSMo; except that, employer shall not include the federal government, the state of Missouri, any other state, or any political subdivision of this state or another state;

(4) "Health insurance costs", the amount paid by an employer to provide health care or health insurance to employees in this state to the extent such costs may be deductible by an employer under federal tax laws and shall include payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in Section 231(d) of the Internal Revenue Code of 1986, as amended;

(5) "Wages", the same meaning as such term is defined in section 288.036, RSMo.

2. The provisions of sections 285.400 to 285.415 shall apply to any

21 employer with ten thousand or more employees in this state.

285.403. 1. Beginning January 1, 2008, and annually thereafter,
2 an employer shall submit on a form in a manner approved by the
3 director:

4 (1) The number of employees of the employer in this state as of
5 one day in the year immediately preceding the previous calendar year
6 as determined by the employer on an annual basis;

7 (2) The amount spent by the employer in the year immediately
8 preceding the previous calendar year on health insurance costs in this
9 state; and

10 (3) The percentage of payroll that was spent by the employer in
11 the year immediately preceding the previous calendar year on health
12 insurance costs in this state.

13 2. The director shall promulgate rules to specify the information
14 that an employer shall submit under subsection 1 of this section. Such
15 information required shall:

16 (1) Be designated in a report signed by the principal executive
17 officer or an individual performing a similar function; and

18 (2) Include an affidavit under penalty of perjury that the
19 information required under subsection 1 of this section was reviewed
20 by the signing officer and is true to the best of the signing officer's
21 knowledge, information, and belief.

22 3. When calculating the percentage of payroll under subdivision
23 (3) of subsection 1 of this section, an employer may exempt:

24 (1) Wages paid to any employee in excess of the amount taxable
25 for federal Social Security (FICA) purposes; and

26 (2) Wages paid to an employee who is enrolled in or eligible for
27 Medicare.

285.406. 1. An employer that is organized as a nonprofit
2 organization that does not spend up to eight percent of the total wages
3 paid to employees in this state on health insurance costs shall pay to
4 the director an amount equal to the difference between the amount the
5 employer spends for health insurance costs and an amount equal to
6 eight percent of the total wages paid to employees in this state.

7 2. An employer that is not organized as a nonprofit organization
8 and that does not spend up to ten percent of the total wages paid to
9 employees in this state on health insurance costs shall pay to the

10 director an amount equal to the amount that the employer spends for
11 health insurance costs and an amount equal to ten percent of the total
12 wages paid to employees in this state.

13 3. No employer shall deduct any payment made under subsection
14 1 or 2 of this section from the wages of an employee.

15 4. An employer shall make the payments required under this
16 section to the director on a periodic basis as determined by the
17 director.

285.409. 1. Any employer that fails to report in accordance with
2 sections 285.400 to 285.415 shall be subject to an administrative penalty
3 of two hundred fifty dollars for each day that the report is not timely
4 filed.

5 2. Any employer that fails to make a payment required under
6 sections 285.400 to 285.415 shall be subject to an administrative penalty
7 of two hundred fifty dollars.

285.412. 1. As used in this section, "health insurance benefits"
2 includes payments for medical care, prescription drugs, vision care,
3 medical savings accounts, and any other costs to provide health
4 benefits as defined in Section 213(d) of the Internal Revenue Code of
5 1986, as amended.

6 2. On or before March fifteenth of each year, the director shall
7 report to the governor and the general assembly on:

8 (1) The name of each nonprofit and for-profit employer with ten
9 thousand or more employees in this state;

10 (2) The employer's definition of full-time employee and part-time
11 employee;

12 (3) The number of full-time employees;

13 (4) The number of full-time employees eligible to receive health
14 insurance benefits from the employer;

15 (5) The number of full-time employees receiving health insurance
16 benefits from the employer;

17 (6) The source of health insurance benefits for those eligible full-
18 time employees not receiving health insurance benefits through an
19 employer subject to reporting under sections 285.400 to 285.415, if
20 known by the employer;

21 (7) The number of part-time employees;

22 (8) The number of part-time employees eligible to receive health

23 insurance benefits from the employer;

24 (9) The number of part-time employees receiving health
25 insurance benefits from the employer; and

26 (10) The source of health insurance benefits for those eligible
27 part-time employees not receiving health insurance benefits through an
28 employer subject to reporting under sections 285.400 to 285.415, if
29 known by the employer.

30 3. The information required under subsection 2 of this section
31 shall be reported as of the information reporting date determined by
32 the employer under subdivision (1) of subsection 1 of section 285.403.

285.415. 1. The director shall:

2 (1) On an annual basis and based on the information reported
3 under subdivision (1) of subsection 1 of section 285.403:

4 (a) Verify which employers have ten thousand or more employees
5 in this state; and

6 (b) Ensure that all employers with ten thousand or more
7 employees in this state make the report required under section 285.403;

8 (2) Promulgate rules to implement the provisions of sections
9 285.400 to 285.415; and

10 (3) Transfer any moneys collected from the payroll assessment
11 into the uncompensated care fund.

12 2. (1) There is hereby created in the state treasury the
13 "Uncompensated Care Fund" which shall consist of moneys collected
14 under sections 285.400 to 285.415. The state treasurer shall be
15 custodian of the fund and shall disburse moneys from the fund in
16 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,
17 money in the fund shall be used solely to reimburse licensed hospitals
18 and federally qualified health centers that provide uncompensated care
19 to patients.

20 (2) Notwithstanding the provisions of section 33.080, RSMo, to
21 the contrary, any moneys remaining in the fund at the end of the
22 biennium shall not revert to the credit of the general revenue fund.

23 (3) The state treasurer shall invest moneys in the fund in the
24 same manner as other funds are invested. Any interest and moneys
25 earned on such investments shall be credited to the fund.

26 3. Any rule or portion of a rule, as that term is defined in section
27 536.010, RSMo, that is created under the authority delegated in sections

28 285.400 to 285.415 shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
30 section 536.028, RSMo. Sections 285.400 to 285.415 and chapter 536,
31 RSMo, are nonseverable and if any of the powers vested with the
32 general assembly pursuant to chapter 536, RSMo, to review, to delay
33 the effective date, or to disapprove and annul a rule are subsequently
34 held unconstitutional, then the grant of rulemaking authority and any
35 rule proposed or adopted after August 28, 2007, shall be invalid and
36 void.

Unofficial ✓

Bill

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